

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)

Frontier Communications of America, Inc.)

Petition for Waiver of Sections
64-1100-64-1190 of the
Commission's Rules)

Request for Expedited Treatment)

File No. _____

~~CC 98-170~~
94-129/

PETITION FOR WAIVER OF SECTIONS
64-1100-64-1190 OF THE
COMMISSION'S RULES AND REQUEST
FOR EXPEDITED TREATMENT

Frontier Communications of America, Inc., formerly known as Frontier Long Distance America, Inc. ("FCA"), hereby requests a waiver of the authorization and certification requirements of the Commission's rules¹ and the *Carrier Change Orders*² in connection with FCA's purchase of a portion of the customer base of its affiliate -- Global Crossing Telecommunications, Inc. ("GCTI"). FCA also respectfully requests expedited treatment of this request.

¹ 47 C.F.R. §§ 64.1100-64-1190.

² *Implementation of the Subscriber Carrier Changes Provision of the Telecommunications Act of 1996*, Further Notice of Proposed Rulemaking and Memorandum Opinion and Order on Reconsideration, 12 FCC Rcd. 10674 (1997); Second Report and Order and Further Notice of Proposed Rulemaking, FCC 98-334 (Dec. 23, 1998); *Policies and Rules Concerning Changes of Consumers' Long Distance Carriers*, Report and Order, 10 FCC Rcd 9560 (1995) stayed in part, 11 FCC Rcd. 856 (1995); *Policies and Rules Concerning Changing Long Distance Carriers*, 7 FCC Rcd. 1038 (1992), recon. denied, 8 FCC Rcd. 3215 (1993); *Investigation of Access and Divestiture Related Tariffs (Phase I)*, 101 FCC 2d 911, 101 FCC 2d 935, recon. denied, 102 FCC 2d 503 (1985).

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List A B C D E

Background

FCA and GCTI are affiliated interexchange carriers that are both subsidiaries of Global Crossing North America, Inc. ("Global Crossing"). GCTI is Global Crossing's North American retail interexchange carrier that serves business and residential customers throughout the United States. FCA is also an interexchange carrier that operates principally in the territories covered by its affiliated incumbent local exchange carriers ("Frontier ILECs").³

FCA has agreed to acquire the accounts of those business and residential customers of GCTI that reside in territories of the Frontier ILECs. FCA and GCTI have agreed to this customer base transfer in order better to align corporate structures with Global Crossing's business unit and customer base responsibilities. In this way, Global Crossing believes that it can better meet the needs of those customers that reside in territories served by Frontier's ILECs.

The transfer will be seamless to the affected customers. These customers will continue to be served by the same corporate family, albeit by different corporate entities within the Global Crossing family. The affected customers will be seamlessly transferred from GCTI to FCA.

Waiver Request

Grant of a waiver is appropriate if special circumstances exist and approval will serve the public interest.⁴ FCA's request satisfies those criteria. The affected customers will continue to be served by the same corporate family. Nonetheless,

³ A list of the affected ILECs is annexed hereto as Exhibit A.

⁴ See e.g., *WAIT Radio v. FCC*, 418 F.2d 1152, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

because distinct corporate entities are involved, section 258 and the Commission's implementing regulations arguably apply.

Grant of the requested waiver will also serve the public interest because it will permit seamless transition of the affected customers from GCTI to FCA. In addition, by aligning corporate structure with business unit responsibility, grant of the requested waiver will enable Global Crossing better to meet all of the telecommunications needs of the affected customers.

All customers will be notified of the transaction and will be billed at comparable rates, terms and conditions as those currently contained in GCTI's tariffs, including GCTI's interstate and international tariffs. Customers will also be informed that any carrier change charges will be waived and that customers will remain free to select another long distance carrier.⁵

In analogous circumstances, the Commission has granted similar waivers to other carriers.⁶

Expedited Treatment

FCA seeks expedited treatment of this petition to permit the prompt transfer of the customer base from GCTI to FCA. Prompt grant of this waiver will permit the seamless transfer of affected customers from GCTI to FCA.

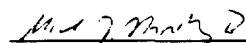
⁵ A copy of the proposed customer notice is annexed hereto as Exhibit B.

⁶ See e.g., *International Exchange Communications, Inc. - Petition for Waiver*, Order, DA 00-985 (Com. Car. Bur. May 2, 2000).

Conclusion

For the foregoing reasons, FCA respectfully requests that the FCC grant it, on an expedited basis, a waiver of section 64-1100-64-1190 of the Commission's rules and the *Carrier Change Orders*.

Respectfully submitted,



Michael J. Shortley, III

Attorney for Frontier Communications
of America, Inc.

180 South Clinton Avenue
Rochester, New York 14646
(716) 777-1028

June 16, 2000

Exhibit A

Affiliated Incumbent Local Exchange Carriers

Alabama

Frontier Communications of Alabama, Inc.
Frontier Communications of LaMar County, Inc.

Alabama/Florida

Frontier Communications of the South, Inc.

Georgia

Frontier Communications of Georgia, Inc.
Frontier Communications of Fairmount, Inc.

Illinois

Frontier Communications of Illinois, Inc.
Frontier Communications of DePue, Inc.
Frontier Communications of Lakeside, Inc.
Frontier Communications of Midland, Inc.
Frontier Communications of Mt. Pulaski, Inc.
Frontier Communications of Prairie, Inc.
Frontier Communications of Schuyler, Inc.

Indiana

Frontier Communications of Indiana, Inc.
Frontier Communications of Thorntown, Inc.

Iowa

Frontier Communications of Iowa, Inc.

Michigan/Ohio

Frontier Communications of Michigan, Inc.

Minnesota

Frontier Communications of Minnesota, Inc.

Mississippi

Frontier Communications of Mississippi, Inc.

New York

Frontier Telephone of Rochester, Inc.
Frontier Communications of New York, Inc.
Frontier Communications of AuSable Valley, Inc.
Frontier Communications of Seneca-Gorham, Inc.
Frontier Communications of Sylvan Lake, Inc.

Pennsylvania

Frontier Communications of Pennsylvania, Inc.
Frontier Communications of Breezewood, Inc.
Frontier Communications of Canton, Inc.
Frontier Communications of Oswayo River, Inc.

Wisconsin

Frontier Communications of Wisconsin, Inc.
Frontier Communications of Mondovi, Inc.
Frontier Communications of Orion, Inc.
Frontier Communications – St. Croix, Inc.
Frontier Communications of Viroqua, Inc.

Exhibit B

Proposed Customer Notice

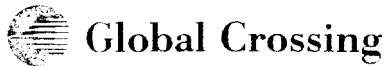
Dear Customer:

As you know, Frontier has undergone significant changes since it was acquired by Global Crossing. And now, in order to provide you with better and more direct service, Frontier is about to become your provider for long distance service as well as local telephone service! Frontier has received authority from the Federal Communications Commission to change the preferred long distance carrier on your telephone from Global Crossing Telecommunications to Frontier Communications of America. We are currently planning to switch your service on (date). Please be advised that you are free to choose another long distance carrier. Any carrier change charges that would otherwise apply in connection with this transaction will be waived. Should you have any questions about this change, please call Customer Service at the toll free number listed on this invoice. And welcome to the New Frontier!

Global Crossing North America, Inc.
Legal Services
130 South Clinton Avenue
Rochester, NY 14616
Fax: (716) 546-7823

Michael J. Shortley, III
Senior Associate General Counsel

Telephone: (716) 777-1028
Facsimile: (716) 546-7823
email: michael_shortley@globalcrossing.com



June 16, 2000

BY OVERNIGHT MAIL

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Frontier Communications of America, Inc.
Petition for Waiver
File No. _____**

Dear Ms. Salas:

Enclosed please find an original plus four (4) copies of the Petition for Waiver of Sections 64.1100-64.1190 of the Commission's Rules and Request for Expedited Treatment filed on behalf of Frontier Communications of America, Inc., formerly known as Frontier Long Distance America, Inc. .

To acknowledge receipt, please affix an appropriate notation to the copy of this letter provided herewith for that purpose and return same to the undersigned in the enclosed, self-addressed envelope.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Michael J. Shortley, III".

Michael J. Shortley, III

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